

**Notice of Allowability**

Application No.

10/059,560

Examiner

Theresa Trieu

Applicant(s)

KLASSEN, JAMES B.

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3748

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on May 20, 2004.
2. ☒ The allowed claim(s) is/are 1-37.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☒ CORRECTED DRAWINGS ( as "replacement sheets" ) must be submitted.
    - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948 ) attached
      - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date May 20, 2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
Theresa Trieu  
Patent Examiner  
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### EXAMINER'S COMMENT

This Office Action is responsive to the applicant's amendment filed on May 20, 2004.

Claims 1, 9, 14, 19, 22-25 and 29 have been amended. Claims 1-37 are pending in this application.

Applicant's cooperation in correcting the informalities in the drawing and specification are appreciated.

#### *Drawings*

1. The proposed drawing changes filed on May 20, 2004 are approved.
2. The drawings filed on August 5, 2003 are acceptable subject to correction of the informalities indicated on the attached "Notice of Draftsperson's Patent Drawing Review," PTO-948. The correction must be submitted including changes required by the proposed drawing correction filed on May 20, 2004, which has been approved by the Examiner. In order to avoid abandonment of this application, the correction is required in reply to the Office action. The correction will not be held in abeyance.

#### *Allowable Subject Matter*

Claims 1-37 are allowed because the prior art fails to disclose or render obvious the claimed combination including:

The following is an examiner's statement of reasons for allowance:

Regarding claims 1 and 19: the prior art fails to disclose or render obvious the claimed combination including: the engagement surfaces of the first and second set of vanes of the first rotors are engaged the engagement surfaces of the first and second set of vanes of the second

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rotor at the top dead center location and bottom dead center respectively and the engagement surfaces of the first and second set of vanes of the first and second rotors are not in engagement when located in the first and second lateral regions.

Regarding claim 29: the prior art fails to disclose or render obvious the claimed combination including: the engagement surfaces of the first and second set of vanes of the first and second rotors are engaged only at the top dead and bottom dead center location respectively; an inner surface of the casing engages an outer surface of the rotor at the bottom dead center and top dead center where a first and second lateral surfaces of the casing define an inlet and outlet ports; and two adjacent engaged engagement surfaces of opposing vanes of the first and second set of vanes for the first and second rotors and the inner surface of the casing at the top and bottom dead center location further provide a seal from outlet port to inlet port.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Prior Art***

The IDS (PTO-1449) filed on May 20, 2004 has been considered. An initialized copy is attached hereto.

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*Communication*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa Trieu whose telephone number is 703-308-6434. The examiner can normally be reached on Monday-Friday 8:30am- 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E Denion can be reached on 703-308-2623. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Theresa Trieu  
Patent Examiner  
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